BOXBOROUGH PLANNING BOARD
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James Faulkner, Chairman Eduardo Pontoriero, Clerk Owen Neville John Markiewicz Nancy Fillmore

Meeting Minutes
May 5, 2014
7:30 p.m.

Members present:

James Faulkner, Chair
Eduardo Pontoriero, Clerk
Nancy Fillmore, Member
John Markiewicz, Member
Owen Neville, Member
Elizabeth Hughes, Town Planner
Adam Duchesneau, Town Planner

The Chair called the meeting to order at 7:30 pm in the Morse Room of Town Hall.

Welcome Boxborough's New Town Planner Adam Duchesneau
Mr. Faulkner acknowledged the attendance of the new Town Planner Adam Duchesneau at the meeting and asked him to provide a brief overview of his relevant background. Mr. Duchesneau indicated that he has been a professional planner for almost eight years working both in the private sector and also for the communities of Somerville and Melrose, Massachusetts.

Community Preservation Act Warrant Article Position
Selectman Leslie Fox was present to discuss the topic with the Planning Board. Mr. Faulkner confirmed that the Planning Board needed to take an official position on this Warrant Article topic and Mr. Fox indicated that was correct. Ms. Hughes noted that the Planning Board had previously discussed the Community Preservation Act (CPA) and it seemed that all of the Board members understood the Act. She also noted that the Planning Board has not taken a formal position on the topic to this point.

Mr. Fox stated that he had reviewed a number of previous Warrants and looked at categories that would count towards the CPA. He found that approximately $247,000 per year was being spent on potential CPA projects. Mr. Fox stated that a 1% local tax surcharge would produce approximately $160,000 in collections and a 50% match rate from the state would contribute another $80,000 to the Town, which would total the same amount of money the community has been spending on similar projects. Mr. Fox continued on to note that there is no minimum tax surcharge rate requirement and Town Meeting could vote to lower or raise the surcharge rate, or even vote to opt out of program after five years. He then noted that the gross levy could be reduced with the surcharge so the tax increase would potentially be a wash.

Ms. Fillmore asked where the money the state would be contributing is generated. Mr. Fox indicated that there is a transaction fee at the Registry of Deeds where for every document that is recorded, a piece of the recording fee goes into the CPA match funding account. Mr. Markiewicz confirmed that this means that currently money is being collected and the Town is not getting

any benefit from these funds. Mr. Fox indicated that was correct. Mr. Markiewicz noted that the less the community pays itself for these CPA type projects, the more the Town would save in taxes.

Mr. Pontoriero noted that the Town has to agree to the surcharge in order to be a part of the CPA program and asked if the overall tax rate could come down to have the surcharge. Mr. Fox indicated this was correct. Mr. Markiewicz stated that he thought the tax levy and tax rate wording was a bit unclear. He noted that when people hear "surcharge", they think "levy", but what was really being discussed was money that is being collected at the Registry of Deeds which Boxborough gets none of currently. Mr. Markiewicz continued on to note that putting this program in place would allow for approximately 1/3 of the money for certain projects to be contributed by the state, which could reduce the tax rate in this area. Mr. Faulkner asked if the taxes are being raised 1%, where would the 1% tax cut be found. Mr. Fox noted that the rate of returns for being enrolled in this program is huge and he would propose a tax offset after being enrolled in the program for two years. Mr. Neville noted that there are articles on this year's Warrant which propose to reduce some of the taxes next year, so the tax bill should be somewhat lower.

Mr. Fox pointed out that the Planning Board only makes a recommendation on this item, but Town Meeting would decide whether the Town in enrolls in the program or not. Ms. Fillmore asked if the Town does not use the 1% surcharge money, would it be lost. Mr. Fox indicated that the money would sit in an account and gain interest for the Town. Mr. Neville asked if there was a guarantee on the state match percentage and Mr. Fox stated that there was no required minimum match percentage by the state, but it has only been as low as 28% in the leanest fiscal years. Ms. Hughes pointed out that the Planning Board is a standing member on the CPA Committee and Town Meeting would decide whether a particular project receives funding or not.

Mr. Fox indicated that 155 communities have adopted the CPA program and no communities have elected to opt out of the program after they have adopted it. The Planning Board members were concerned about how this program would be received by the property owners and whether this would result in a trend to increase the money spent on projects. Mr. Fox noted that the community has been spending around $240,000 of its own money each year on CPA type projects. However, with CPA match funding from the state, this figure would drop to around $160,000 per year. Mr. Pontoriero noted that if the community has been spending $240,000 each year and taxes have remained the same, how can it be shown that the program will be tax neutral. Mr. Markiewicz pointed out that a few years of funding accumulation would be needed before the benefits would be realized. Mr. Fox added that there would be lower tax rates in the years to come. Mr. Faulkner stated that the Town can also adjust the tax surcharge rate or opt out of the program if it does not make sense for the community, which are both beneficial options. Mr. Pontoriero confirmed that there was no minimum surcharge requirement and Mr. Fox indicated that was correct.

Mr. Faulkner stated that he felt the Planning Board should take a position on this item. He noted that if the community did not spend money, it was not going to make money, and he felt the community should give the program a try. Mr. Markiewicz stated that the Town could always lower the surcharge rate and the program would allow the community to tap into new funding sources. Mr. Neville pointed out that the Town is currently leaving money on the table that the

state has right now and he felt the community would be better off financially by buying into this program. Mr. Neville then stated that he was reluctantly in favor of the CPA.

Mr. Pontoriero asked if the community could simply put up $160,000 and get the matching funding from the state. Mr. Fox indicated this could not be done as it seems that the state wants a handle on what the Commonwealth's matching funding requirement will be. Mr. Pontoriero indicated that he could see the benefits of the CPA but he wanted to set a minimum benefit standard for the program. If the CPA did not achieve this minimum benefit standard, he felt it would be a sign the community should opt out of the program. Mr. Markiewicz noted that the CPA still needed to be approved by Town Meeting and, in the future, if the public feels the projects are a waste, they could also put an end to the program. Mr. Fox reiterated that Town Meeting controls the projects and the funding allocation for the projects. Ms. Hughes also noted that 10% of the 1% tax surcharge has to go into each of the three areas the CPA is intended to support. Mr. Fox added that CPA funds can also be combined with other funding sources.

Mr. Faulkner stated that perhaps the Planning Board could indicate they are in favor but with some reservations. Mr. Neville asked what was the lowest surcharge rate a community had and Mr. Fox indicated that the lowest rate he found in his research was 0.5%. Mr. Faulkner noted that he would like to indicate the Planning Board's reluctant endorsement of the CPA. Ms. Hughes stated that a statement could be prepared for Town Meeting to indicate this.

Mr. Neville then MADE a MOTION to endorse passage of the Community Preservation Act. Mr. Markiewicz SECONDED the MOTION. Four members voted in favor and Mr. Pontoriero abstained from the vote.

Mr. Neville then asked Mr. Fox about the make up of the CPA Committee. Mr. Fox indicated that the committee was required to have at least five members but no more than nine. Mr. Neville suggested that perhaps a seven member committee would be appropriate to help avoid any quorum problems. Bill Wadd, a real estate broker from out of town, who is also involved with the Flag Hill Road property, stated that he had seen large expensive land purchases occur by communities allocating CPA funds over time. Ms. Fillmore asked if the tax surcharge sometimes made or broke a property sale. Mr. Wadd stated that if a town is interested in a property, the CPA gives them the funds to be in the same bidding price range as interested private developers.

Flagg Hill Road ANR Plan
Ms. Hughes explained that all appeals for the property have been settled and that the Conservation Commission will be getting Parcel A and the trail around the lots.

Mr. Neville MADE a MOTION to endorse the ANR Plan and to authorize the Planning Board Chair, the Planning Board Clerk, or the Town Planner to sign the plans on behalf of the Planning Board. Mr. Markiewicz SECONDED the MOTION. All members voted in favor.

493 Massachusetts Avenue ANR (Blanchard School)
Ms. Hughes explained the ANR for the Blanchard School property. Mr. Faulkner asked if the land was being transferred to the Town of Acton. Ms Hughes indicated that some of the land and the school building were, but the other portion of the property would be retained by the Town of Boxborough. She continued on to note that most of the wetlands and the bridge which connects the school to the library would remain Town of Boxborough property.

Ms. Fillmore MADE a MOTION to endorse the ANR Plan and to authorize the Planning Board Chair, the Planning Board Clerk, or the Town Planner to sign the plans on behalf of the Planning Board. Mr. Neville SECONDED the MOTION. All members voted in favor.

Meeting Minutes April 28, 2014
Ms. Fillmore MADE a MOTION to approve the minutes of April 28, 2014. Mr. Markiewicz SECONDED the MOTION. All members voted in favor.

MAPC Build-Out Capacity Maps
Mr. Faulkner asked how these latest maps compared to the older ones. Ms. Hughes indicated they were very different but she was not sure why some particular parcels were still identified as possible build-out sites because they had certain development limitations. She noted that this version of the maps would be the last draft and then MAPC will finalize their report. The residential build-out map displayed capacity for approximately 120 additional homes, a figure which will be reduced even further. The commercial build-out map changed as well indicating a possible build-out of approximately 2.3 million square feet, which will likely be slightly reduced further as well.

2014 Warrant Article Presentations
Ms. Hughes indicated that Mr. Pontoriero would not be in attendance for Town Meeting and therefore a volunteer was needed to present Article 34 regarding private/common driveways. Ms. Fillmore volunteered to make the presentation. Mr. Markiewicz asked how many sites will be impacted by Article 35 regarding the Flood Plain District and Ms. Hughes indicated she would have to get back to him on this. Ms. Hughes continued on to note that all the impacted properties regarding this article had been notified by certified mail. Mr. Faulkner would be presenting Article 33 and Mr. Markiewicz would be presenting Article 35. Ms. Hughes noted that it seemed the Planning Board members were all in agreement that the Master Plan item in Article 23 should be handled as a separate motion. Mr. Faulkner stated that he had held several conversations with the Town Moderator and indicated that the Planning Board wanted the Master Plan article separated out. Mr. Faulkner did not want to have other items in the article influence the Master Plan item because it is a large expenditure in its own right.

With no further business, the meeting was adjourned at 9:05 PM on a MOTION by Mr. Markiewicz, SECONDED by Ms. Fillmore with all members voting in favor.

On Behalf of the Boxborough Planning Board

Eduardo Pontoriero, Clerk